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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/071,046	05/04/1998	JURGEN REINOLD	MCG00215	5093

7590

10/24/2002

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EXAMINER

BUI, KIEU OANH T

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 10/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/071,046

Applicant(s)

REINOLD ET AL.

Examiner

KIEU-OANH T BUI

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Remarks*

1. The terminal disclaimer filed on 09/16/02 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent 6,175,628 has been reviewed and is accepted. The terminal disclaimer has been recorded.
2. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless -  
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.*

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-5, 9-14, 16-18, and 21-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsumori et al. (U.S. Patent No. 5,650,827).

Regarding claim 1, Tsumori discloses a system for distributing audio content of a digital audio signal to an analog wireline device (Fig. 1, and col. 3/line 55 to col. 4/line 20) comprising “an audio input interface receiving the digital audio signal and identifying an audio bitstream, an audio decoding unit connected to the audio input interface and decoding the audio bitstream, and an audio digital-to-analog converter connected to the audio decoding unit and converting the audio bitstream to an analog audio signal; and an audio output interface connected to the audio digital-to-analog converter and distributing the analog audio signal to the analog wireline device”, i.e., as disclosed in Figure 1, Tsumori’s audio and video receiving system comprising audio input interface to receive digital audio from a plurality of sources as from a video tape recorder 70, an VHF/UHF antenna 11, a satellite broadcasting antenna 21 (col. 1/line 60 to col. 2/line 11 & Fig. 1) together with an audio processing circuit 37 for processing digital audio signal with an D/A or digital to analog converter 44 in order to provide analog audio signal at the output 38 (Fig. 1, and col. 4/line 21 to col. 5/line 48). Tsumori further discloses the step of “wherein the audio bit stream comprises audio data based on a plurality of encoding methods corresponding to a plurality of sources”, for instance, CS decoder, JSB decoder and MUSE converter provides the use of different encoding/decoding techniques to handle different formats from different sources such as signals containing high definition television program or regular UHF/VHF signals (col. 4/line 21 to col. 5/line 48).

As for claims 2 and 10, Tsumori discloses “an audio digital decryption unit connected to the audio input interface and decrypting the audio bitstream” and “a video digital decryption unit connected to the video input interface and decrypting the video bitstream”, i.e., MUSE converter, JSB decoder and CS decoder connecting to input interfaces (mentioned earlier) act as decrypting units in scrambling/descrambling video and audio digital signals to provide analog video/audio signals at the outputs (col. 5/lines 14-47).

Regarding claims 3 and 11, Tsumori further discloses “an audio analog decryption unit connected to the audio digital-to-analog converter and decrypting the analog audio signal” and “a video analog decryption unit connected to the video digital to analog converter and decrypting the analog video signal”, i.e., a digital-to-analog converter 44 connecting to the decrypting units is used therein for providing analog sounds (Fig. 1, item 44; and col. 7/lines 5-19).

With respect to claims 4-5, 12-13 and 18, Tsumori further discloses “wherein the audio and video (for claim 12) output interface distributes the analog audio signal to multiple devices”, i.e., output portions comprises a plurality outputs for audio and video connections to other devices such as to a TV screen, a loudspeaker or to a video tape recorder (col. 5/line 57 to col. 6/line 20).

Regarding claim 9, Tsumori discloses a system for distributing video content of a digital video signal to an analog wireline device (Fig. 1, and col. 3/line 55 to col. 4/line 20) comprising “a video input interface receiving the digital video signal and identifying a video bitstream, a video decoding unit connected to the video input interface and decoding the video bitstream, a video digital-to-analog converter connected to the video decoding unit and converting the video bitstream to an analog video signal, a video output interface connected to the video digital-to-analog converter and distributing the analog video signal to the analog wireline device”, i.e., as disclosed in Figure 1, Tsumori’s audio and video receiving system comprising video input interface to receive digital video from a plurality of sources as from a video tape recorder 70, an VHF/UHF antenna 11, a satellite broadcasting antenna 21 (col. 1/line 60 to col. 2/line 11 & Fig. 1) together with an video processing circuits 24 & 33 for processing digital video signal with an D/A or digital to analog converter 26 in order to provide analog video signal at the output 36 (Fig. 1, and col. 4/line 21 to col. 5/line 48). Tsumori further discloses the step of “wherein the video bit stream comprises video data based on a plurality of encoding methods corresponding to a plurality of sources”, for instance, CS decoder, JSB decoder and MUSE converter provides the

use of different encoding/decoding techniques to handle different formats from different sources such as signals containing high definition television program or regular UHF/VHF signals (col. 4/line 21 to col. 5/line 48).

Regarding claim 16, this claim, which is a combination of claims 1 and 9, is rejected for the reasons given in the scope of the combination of claim 1 and claim 9 as already disclosed above.

As for claim 17, Tsumori further discloses to include "a splitter receiving a digital input signal and splitting the digital input signal into the digital audio signal and the digital video signal", i.e., the BS tuner acts as a splitter therein in providing separate digital video and digital audio signals (Fig. 1/item 23).

As for claims 21-30, these method claims for applying the system as described above are rejected for the reasons given in the scope of system claims 1-5, 9-13, and 17 as already disclosed above.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 6, 14, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsumori et al (U.S. Patent No. 5,650,827/ or "Tsumori") in view of Schein et al (U.S. Patent No. 6,002,394/ or "Schein" hereinafter).

Regarding claims 6, 14 and 19, in further view of claim 1 above, Tsumori does not disclose the steps of "wherein the audio input interface receives the digital audio signal from a local storage device" and "wherein the video input interface receives the digital video signal from a local storage device"; however, the technique of utilizing a local digital source such as from a CD ROM disk or a hard drive is shown by Schein as Schein's PC-TV system is well-known nowadays (Fig. 1, and col. 4/line 40 to col. 5/line 51). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tsumori's system with a PC-TV system as of Schein's in order to utilize the local digital source such as from a CD-ROM as suggested by Schein.

7. Claims 7-8, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsumori et al (U.S. Patent No. 5,650,827/ or "Tsumori") in view of Schulhof et al (U.S. Patent No. 5,841,979).

Regarding claims 7-8, and 15, Tsumori does not further mention the steps of "wherein the audio input interface receives the digital audio signal produced by a text-to-speech application" and "wherein the audio input interface receives the digital audio signal produced by a digital musical instrument" and "wherein the video input interface receives the digital video signal produced by a digital video camera" as claimed; however, Schulhof teaches in his enhanced delivery of audio data the same technique for users to receive "the digital audio signal produced by a text-to-speech application" (Schulhof, Figs. 1-2, and col. 6/lines 47-65) and "the digital audio signal produced by a digital musical instrument", i.e., a Sony portable digital recordable mini-CD (Schulhof, col. 2/line 65-col. 3/line 38). Therefore, it would have been obvious to one

of ordinary skill in the art at the time the invention was made to modify Tsumori's system with Schulhof's disclosed technique in using a text-to-speech application and the concept of utilizing digital audio signal from digital musical instruments, such as a Sony portable digital recordable mini-CD or a digital camera, as some of available resources on the market for the described system to use as preferred.

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsumori et al (U.S. Patent No. 5,650,827/ or "Tsumori") in view of Schein et al (U.S. Patent No. 6,002,394/ or "Schein" hereinafter) and Schulhof et al (U.S. Patent No. 5,841,979).

Regarding claim 20, in further view of claim 19 above, Tsumori and Schein do not further show the step of "wherein the video input interface receives the digital video signal produced by a digital video camera" as claimed; however, Schulhof teaches in his enhanced delivery of audio data an exact same technique for users to receive "the digital audio signal produced by a digital musical instrument", i.e., a Sony portable digital recordable mini-CD (Schulhof, col. 2/line 65-col. 3/line 38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tsumori's system with Schulhof's disclosed technique in using the concept of utilizing digital audio signal from digital musical instruments, such as a Sony portable digital recordable mini-CD or a digital camera, as some of available resources on the market for the described system to use as preferred.

### ***Conclusion***

9. **Any response to this action should be mailed to:**  
Commissioner of Patents and Trademarks  
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**or faxed to:**  
(703) 872-9314, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to Crystal Park 99, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*




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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Krista Bui  
Art Unit 2611  
October 18, 2002

  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600